



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: ) Before the Examiner  
Eisermann et al. ) David C. Comstock  
 )  
Application Serial No. 10/734,041 ) Group Art Unit 3733  
 )  
Filed December 11, 2003 ) Ref. No. MSDI-222/  
 ) PC765.00  
 )  
EXPANDABLE INTERVERTEBRAL ) January 2, 2008  
IMPLANT )

### RESPONSE TO FINAL OFFICE ACTION

*do not enter  
2/2/08  
ge*  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated November 1, 2007, please consider the following amendments and remarks. The two-month early response period for responding to the final Office Action expired on January 1, 2008, which fell on a federal holiday, thereby extending the two-month early response period to January 2, 2008 (the first business day after January 1, 2008). Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:
January 2, 2008
_____ Date of Deposit
Brad A. Schepers
_____ Name of Registered Representative
<i>Brad A. Schepers</i> _____ Signature
January 2, 2008
_____ Date of Signature